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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/739,516	12/18/2000	Jody Western Lewis	US000345***	3122

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EXAMINER

TRUONG, LECHI

ART UNIT

PAPER NUMBER

2194

DATE MAILED: 06/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/739,516

Applicant(s)

LEWIS, JODY WESTERN

Examiner

LeChi Truong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 10-13 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 10-13 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

1. Claims 1-7, 10-13 are presented for the examination. Claims 8-9 are cancelled.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 4-5, 12, 13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As to claims 4, 12, 13, it is not clearly understood that what is different between the first data object and the second data object since both first and second data object are associated with the normal state which is indicated in the specification (page 9, ln 15-22).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-7 and 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chang et al (US. Patent 6,553,427 B1) in view of Winick (US. Patent 4,575,712).

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4. As to claim 1, Chang teaches the invention substantially as claimed including: a data object (encapsulated INAP message, col 3, ln 58-60/ col 4, ln 1-2/ an INAP message encapsulated by an INAP_operation object, col 16, ln 47-50/ and INDP_operation object, col 18, ln 15-20), a software architecture using queues to organize the transfer of data from on processing object to another (col 3, ln 63-67 and col 4, ln 1-2), comprising step of:

storing queue indicator in a path object (void setValid (bool is valid)/ bool is valid (), col 13, ln 15-30/ col 14, ln 30-34), a path object (network_contextID object and a service_contextID object, col 17, ln 65-67 to col 18, ln 1-3), a path object corresponding to a respective data object (col 6, ln 40-45).

receiving and processing a data object in a first of said processing objects (col 3, ln 63-67 and col 4, ln 1-2), a first of said processing objects (the interface object, col 3, ln 59-60 and col 4, ln 1-2/ col 17, ln 20-25);

identifying a queue corresponding to a second of said processing objects (col 15, ln 1-5 and ln 15-17), a second of said processing objects (col 15, ln 15-17);

an indicator corresponding to said data object (col 13, ln 1-10/ ln 27-31 and ln 30-34);

placing said data object in a queue (to direct encapsulated INAP messages to the message queue, col 3, ln 65-67 and col 1, ln 1-2).

5. Chang does not explicit teach the identifying depending on the indicator. However, Winick teaches the identifying depending on the indicator (the indicator position is set to the first value, and means operative only during active mode of the transmitter unit enables the transmitter section for sending a message to receiver unit, col 1, ln 58-62).

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7. It would have been obvious to one of the ordinary skill in the art at the time the invention was made to combine the teaching of Chang and Winick because Winick's the identifying depending on the indicator would improve the efficiency of Chang's system by allowing the communication system be able to identify the faulty of transmitter.

8. **As to claim 2**, Chang teaches identifying includes determining a result of said step processing (col 6, ln 53-64).

As to claim 3, Chang teaches determining a result of said step of processing and said queue corresponding to said result (col 6, ln 40-46).

9. **As to claim 4**, it is an apparatus claim of claim 1; therefore, it is rejected for the same reason as claim 1 above. Chang teaches second performing said process on said second data object (col 3, ln 64-68), second identifying a second queue to which said second data object is to be transferred (col 6, ln 40-45) and Winick teaches modifying said indicator part of said first data object (an indicator portion shiftable between first and second values, col 1, ln 55-56).

10. **As to claim 5**, Chang teaches determining a second identifying a result of said step of performing (col 6, ln 53-64), identifying including identifying said second queue (col 15, ln 14-18).

11. **As to claim 6**, Chang teaches data object are transferred from a first processing object to a selected one of second and third processing object by queuing the data objects in a queue of said selected one (col 3, ln 63-67 and col 4, ln 1-3), comprising:

a path object corresponding to each of said data object (col 17, ln 65-67 and col 18, ln 1-4), a path object (network_contextID, col 17, ln 65-67);

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a least one said of path objects contains an indicator (col 13, ln 27-31 and col 14, ln 31-34);

first processing data object defining a process a result of which to insure that a first data object (col 2, ln 50-56/col 6, ln 59-65), of said at least one of said path object corresponding to said first data object (col 17, ln 65-67 and col 18, ln 1-4).

12. As to claim 7, Chang teaches the generation of an indication of a result a subprocess of said first processing object (col 13, ln 27-31 and col 14, ln 31-34), path objects corresponding to said first data object and responsively to said indicator (col 13, ln 27-31 and col 14, ln 31-34/ col 17, ln 65-67 and col 18, ln 1-4) and Winick teaches placed in said at least one of said second and third processing objects responsively to the processing object indicator ... response to said result indicator(the indicator position is set to the first value , and means operative only during active mode of the transmitter unit enables the transmitter section for sending a message to receiver unit, col 1, ln 58-62). The second data object is the data object associated with the other status normal.

13. As to claim 11, Winnick teaches determining a normal or faulty outcome state, the identifying is dependent on said normal or faulty (col 1, ln 58-62).

14. As to claim 12, it is an apparatus claim of claims 1, 4 and 5; therefore, it is rejected for the same reasons as claims 1,4 and 5 above. In additional, Chang teaches data (the interface object, col 6, ln 40-45), the functions (the INAP routines, col 6, ln 40-45).

15. As to claim 13, it is an apparatus claim of claim 12; therefore, it is rejected for the same reason as claim 12 above. In additional, Chang teaches a respective processing queue for each processing object (message queues associated with the TCAP servers and services application

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program and to direct encapsulated INAP messages to the message queues associated with destination processes, col 3, ln 65-67 to col 4, ln 1-4).

16. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chang et al (US. Patent 6,553,427 B1) in view of Winick (US. Patent 4,575,712), as applied to claim 1 above, and further in view of Nakamura (US. Patent 6,446,134 b1).

17. As to claim 10, Chang and Winick do not teach a table of queue indicator. However, Nakamura teaches a table of queue indicator (a busy flag field 45 of the destination registration table 40, col 7, ln 20-25).

18. It would have been obvious to one of the ordinary skill in the art at the time the invention was made to combine the teaching of Chang, Winick and Nakamura because Nakamura's a table of queue indicator would improve the flexibility of Chang and Winick's systems by allowing the manager unit to notify about a fault information in the connection destination address.

Response to the argument

29. Applicant's arguments filed 4/10/2004 have been considered but are moot in view of the new ground(s) of rejection. Applicant amended the claims to add the identifying depending on the indicator in the part object, the indicator in a path object corresponding to a respective data object. Winick's reference meet the amended features.

19. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LeChi Truong whose telephone number is (571) 272 3767. The examiner can normally be reached on 8 - 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIP. Status information for unpublished

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applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIP system, contact the Electronic Business Center (EBC) at 866-217-9197(toll-free).

LeChi Truong

June 7, 2005


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